

ORDINANCE NO. 2007 - 07

AN ORDINANCE AMENDING ORDINANCE NO. 2006-02 ADOPTING AND PROMULGATING RULES AND REGULATIONS GOVERNING THE PLATTING OF LAND INTO TOWNHOUSE AND CONDOMINIUM SUBDIVISIONS, PATIO HOME SUBDIVISIONS, TWO-FAMILY DWELLING (DUPLEX) SUBDIVISIONS, AND MULTI-FAMILY RESIDENTIAL (APARTMENTS) SUBDIVISIONS, REQUIRING COMPLIANCE WITH ALL REQUIREMENTS OF THE SUBDIVISION ORDINANCE OF CITY OF RICHMOND (ORDINANCE NO. 85 - 46 AS AMENDED), INCLUDING ITS PROCEDURES, ITS FEES AND CHARGES, DEFINING TERMS, REQUIRING PLATS TO CONFORM TO SUCH RULES AND REGULATIONS IN ORDER TO PROCURE THE APPROVAL OF THE CITY COMMISSION OF THE CITY OF RICHMOND, PROVIDING PENALTIES FOR VIOLATION OF ANY OF ITS PROVISIONS, AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER HEREOF.

WHEREAS, the City Commission of the City of Richmond, Texas, finds and determines that the orderly development and construction of Townhouse and Condominium Subdivisions, Patio Home Subdivisions, Two-Family Dwelling (Duplex) Subdivisions, and Multi-Family Residential (Apartments) Subdivisions, within the City of Richmond and its extra-territorial jurisdiction is a continuing primary concern and necessity; and

WHEREAS, the City Commission finds and determines, upon study and review, that the conditions, limitations, requirements, penalties, and restrictions as herein set out are proper, just and relevant; now therefore

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF RICHMOND, TEXAS:

Ordinance NO. 2006-02 previously known as "City of Richmond Townhouse Ordinance" is hereby amended to read as follows:

A. Townhouse and Condominium Subdivisions

1. Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning.

Access streets shall mean those public streets within or bounding a townhouse subdivision which serve a townhouse subdivision and other adjacent property.

Interior streets shall mean public streets not more than six hundred feet (600) long within a townhouse subdivision which are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza area, or ornamental area open to general view and within the subdivision. Open space does not include streets, alleys, utility easements, and required building setbacks.

Townhouse, row house or condominium shall mean a structure which is one (1) of a series of dwelling units designed for single-family occupancy, which are connected or immediately adjacent to each other. However, a townhouse or row house shall not include a mobile home, manufactured housing and/or travel trailer.

Townhouse or condominium subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned.

2. Procedural Requirements.

All persons proposing or intending to develop a townhouse subdivision within the city or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Interior streets, if dedicated to public use, shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curbs and gutters in accordance with the current design standards.
- b. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-two foot (32') pavement section.
- c. All townhouse subdivisions shall have direct access streets to at least one (1) dedicated and accessible public street having a right-of-way width of not less than sixty feet (60').
- d. Alleys shall have a minimum right-of-way of twenty feet (20') and shall be developed with a concrete pavement in accordance with the current design standards.

4. Building Setback

- a. Building setback lines of twenty-five feet (25') shall be required on all lots fronting or backing on an access street.
- b. Building setback lines of twenty feet (20') shall be required on all lots siding on access streets or upon a plat boundary.
- c. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, such open or common court shall be at least forty feet (40') wide and not more than two hundred feet (200') long, measured from the public street upon which the court must open. Such court may not include vehicular drives or parking area in front of dwelling units.

5. Lots.

- a. Lot area shall be a minimum of four thousand (4,000 square feet) square feet unless reduced by dedicated open space as permitted herein.
- b. Lot width shall be a minimum of thirty-five feet (35').
- c. Dwelling units may be constructed up to side lot lines, and openings shall not face a side lot line unless the sidewall of the dwelling unit is at least ten feet (10') from the side lot line.
- d. Lot size may be reduced under the provisions that open space be dedicated according to the following schedule:

For every one hundred (100) square feet of open space per lot, the minimum lot area may be reduced by two hundred (200 square feet) square feet. No lot shall, however, have a lot area of less than three thousand five hundred (3,500) square feet, and a width of less than thirty-five feet (35').

Open Space Per Dwelling	Minimum Lot Area (sq. ft.)
0	4,000
100	3,800
200	3,600
250	3,500

6. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable and electrical, shall be placed underground.

7. Other Requirements

A townhouse subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for townhouse subdivisions.

B. Patio Home Subdivisions

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a patio home subdivision which serve a patio home subdivision and other adjacent property.

Interior street shall mean public streets not more than six hundred feet (600') long within a patio home subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza or ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

Patio home shall mean a structure that is a series of dwelling units designed for single-family occupancy, which are constructed on a lot that shall have a minimum area of five thousand five hundred (5,500) square feet and shall have a zero offset on one (1) side of the lot. However, a patio home shall not include a mobile home, manufactured housing and/ or travel trailer.

Patio home subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct patio homes which may be individually owned and where the offset of a structure may be zero on one (1) side of the lot with an easement of ten feet (10') granted on the opposite side to the adjoining property owner for maintenance purposes.

2. Procedural requirements

All those persons proposing or intending to develop a patio home subdivision shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curb and gutter in accordance with current design standards.
- b. Interior streets shall have a minimum right-of-way Width of sixty feet (60') and shall be developed with a minimum of a twenty-eight foot (28') paving section with concrete curb and gutters in accordance with current design standards.

4. Lots

- a. Lot area shall be a minimum of five thousand five hundred (5,500) square feet.
- b. Lot width shall be a minimum of fifty feet (50').
- c. Dwelling units shall be constructed with a zero lot line clearance on one (1) side of lot. Doors shall not be installed in sides with zero lot line clearance.
- d. Ten feet (10') must be maintained between sides of any two (2) dwelling units placed on adjacent lots.
- e. Deed restrictions for zero lot line clearance must provide ten-foot (10) easement to owner whose dwelling unit is on the property line for maintenance purposes.
- f. Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

5. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

6. Other Requirements

a. A patio home subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for patio home subdivisions.

b. A patio home subdivision shall contain no less than 4 lots.

C. Two-Family Dwelling (Duplex) Subdivisions

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a duplex subdivision which serve a duplex subdivision and other adjacent property.

Interior street shall mean public streets not more than eight hundred feet (800') long within a duplex subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza or ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

Duplex home shall mean an attached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Duplex subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct duplex homes.

2. Procedural Requirements

All those persons proposing or intending to develop a duplex subdivision shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curb and gutter in accordance with current design standards.
- b. Interior streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a twenty-eight foot (28') paving section with concrete curb and gutters in accordance with current design standards.

4. Lots

- a. Lot area shall be a minimum of nine thousand six hundred (9,600) square feet.
- b. Lot width shall be a minimum of eighty feet (80').
- c. Lot depths shall be a minimum of one hundred twenty feet (120').
- d. The number of on site parking spaces required for a two family dwelling (duplex) is 2.0 parking spaces per dwelling unit.
- e. The twenty-five foot (25') front and fifteen foot (15') side street building lines shall meet the same requirements as for single-family lots.
- f. Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

5. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

6. Other Requirements

- a. A duplex subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for duplex subdivisions.
- b. Density (units/acre) - In a duplex development, there shall be no more than ten (10) dwelling units per gross platted acre including all roadways.
- c. Where a duplex structure is situated to face a common access area rather than upon a public or private street, the minimum dimension between structures facing said common access area shall be forty feet (40'). Common driveways shall have a paved width of at least eighteen feet (18').

D. Multi-Family Residential (Apartments)

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a multi-family residential subdivision which serve a multi-family residential subdivision and other adjacent property.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza landscape area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

2. Procedural Requirements

All those persons proposing or intending to develop a multi-family residential (apartments and condominiums) development shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Application Requirements

In addition to the information otherwise required, a development plat that provides for

the development of one or more multi-family residential buildings shall provide the following information:

- a. The number of separate buildings that will contain multi-family residential dwellings units;
- b. The location of the principal entrance to each multi-family residential building;
- c. The total number of dwelling units;
- d. An itemized listing of multi-family residential dwelling units indicating the number of bedrooms in each dwelling unit.
- e. Dimensions on the plat to define the location of improvements.

4. Access

- a. Multi-family dwelling subdivisions, including apartment and condominium subdivisions, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said subdivisions shall be as follows:
 - 1) Subdivisions with fifty (50) or fewer dwelling units – One (1) point of access.
 - 2) Subdivisions with fifty-one (51) to one hundred twenty-five (125) dwelling units – Two (2) points of access, or one (1) point of access if that access is via a boulevard street section with no dwelling units having direct access to the divided boulevard street section serving as said access.
 - 3) Subdivisions with one hundred twenty-six (126) to two hundred (200) dwelling units – Two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120') feet in length (end of median to end of median), with no dwelling units having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
 - 4) For the purposes of this subsection, a boulevard street shall mean a divided four-lane street (12' lanes) with a minimum

thirty (30') foot wide median and minimum one hundred (100') foot wide public right-of-way.

5. Private Streets - General Standards

A development plat that contains a multi-family residential building shall provide at least one private street. The private street shall remain clear at all times for emergency vehicle access. No parking shall be allowed within the private street. A private street shall comply with the requirements of this section:

- a. The minimum pavement width for a private street shall be twenty-eight feet (28'), measured from edge-to-edge across the surface of the pavement.
- b. Intersections along private streets shall be a minimum of sixty-five (65') feet apart.
- c. When a private street intersects with another private street, the private street shall provide a twenty-five (25') foot radius at the intersection.
- d. The centerline radius of a curve on a private street, shall not be less than sixty-five (65') feet. Reverse curves shall be separated by a tangent of not less than twenty-five (25') feet.

6. Parking

- a. Each development plat containing a multi-family residential development shall provide off-street parking spaces in accordance with the following schedule:

<u>Unit Size</u>	<u>Parking Spaces Required Per Unit</u>
Efficiency	2
One bedroom	2
Two bedrooms	3
Three or more bedrooms	4

- b. All parking areas shall be separated from walkways, sidewalks, streets, and alleys by a wall, fence, curbing, or other protection device. Parking will be so arranged as to prevent backing out onto any public street. All required parking spaces shall be located within the multi-family residential development. Parking spaces shall be located for convenient access to the living units.

7. Height and Area Regulations

- a. Height. No building or structure shall exceed two (2) stories or thirty feet (30') in height measured from the finish grade to the eave of the building.
 - b. Building Setback
 - 1) A building setback line, measured from the street right-of-way line, shall be provided along all public streets. Building setback lines for a one-story building shall be thirty-five (35') feet. Building setback lines for a two-story building shall be fifty (50') feet.
 - 2) A building setback line shall be provided adjacent to all property lines. Building setback lines for a one-story building shall be thirty (30') feet. Building setback lines for a two-story building shall be fifty (50') feet.
 - b. Front and side street building lines shall meet the same requirements as for single-family lots.
 - c. A minimum twenty-five (25') foot wide open space area shall be provided adjoining all buildings.
 - d. Each building within a multi-family dwelling development shall be separated from other buildings by not less than forty feet (40').
 - e. No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals, drainage canals, and easements.
 - f. The total number of units within a multi-family development shall not exceed two hundred (200).
 - g. Density (units/structure) – There shall be no more than ten (10) dwelling units per building and no dwelling unit structure shall exceed two hundred feet (200') in length and not more than seven thousand (7,000) square feet per floor.
8. Open Space – A minimum of thirty percent (30%) of the net platted area shall be open space. 'Open space' is defined as, and limited to, common areas of

open space with landscaping or open community recreational areas. Open space does not include any areas specifically designated or used as building sites, parking spaces, drives, private streets and sidewalks. The actual surface areas of open space, such as common area lawns and landscaping, and community recreational areas, such as playgrounds, community swimming pools and surrounding paved deck area, community tennis courts, and other open common recreation areas, may be included as open space. Recreational facilities located within enclosed buildings shall not be considered open space. Open space with a minimum width of twenty-five (25') feet shall be provided between paved areas and all property lines.

9. Utilities

All utilities serving the development, such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

10. Other Requirements. An apartment subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for apartment subdivisions.

11. Special Protective Requirements.

- a. All multi-family dwelling buildings shall be constructed using one-hour fire-resistive materials in all walls, floors, ceilings, and attic separations, and shall contain a fire sprinkler system on all floors.
- b. The use of wood shingle roofing and cedar shake siding materials is prohibited.
- c. Fire Sprinklers shall be installed in accordance with applicable National Fire Protection Association Standards, International Codes, City of Richmond Ordinance and;
 - 1) Fire Sprinklers shall be required in bathrooms.
 - 2) Fire Sprinklers shall not be required in clothes closets, linen closets, and pantries within dwelling units and closets on exterior balconies that meet all of the following conditions:
 - i) The area of the space does not exceed nine (9) square feet.

- ii) The walls and ceilings are surfaced with noncombustible or limited-combustible materials as defined by NFPA 220, Standard on Types of Building Construction.
 - iii) The closet is not used for heating and air-conditioning equipment or contain fuel fired equipment or appliances.
- 3) Fire Sprinklers shall be required in porches, balconies, corridors, and stairs.
- 4) Fire Sprinklers shall be required in attics, penthouse equipment rooms, and elevator machine rooms.
- 5) Each separate building shall have at least one approved fire department connection(s), shall consist of two 2½ inch (65 mm) connections using NH internal threaded swivel fitting(s) with “2.5-7.5 NH standard thread”, as specified in NFPA 1963, Standard for Fire Hose Connections, shall front onto a fire apparatus access road, and shall be provided with an approved security locking device.
- 6) Each separate building shall have its own sprinkler riser, exterior indicating valve, and riser access shall be from the exterior of the building and not require passing through other rooms or be allowed to be inside an equipment room that contains energized electrical or fuel fire equipment.
 - i) Valves shall be electronically supervised and secured in an approved method.
 - ii) Supervisory device(s) shall be electrically supervised and such supervision is monitored at an approved, constantly attended location.
- 7) Each separate building shall have its own waterflow alarm device(s). Each building’s waterflow alarm device shall be within ten (10') feet of the building’s fire department connection and shall include local audible and visual alarms. Waterflow devices shall be required to be electrically supervised and such supervision be monitored at an approved, constantly attended location..

E. Variance Procedures

1. The City Commission shall have the authority to grant a variance to the requirements of this ordinance in cases where it is determined that strict compliance with the provision herein will inflict unusual and practical difficulties.
2. When application for a variance is made to the City Commission, a public hearing on the request shall be held. Written notice of all public hearings on variance requests shall be given to all owners of property, or to persons rendering the property for city taxes, located within two hundred (200') feet of the property to be affected by the variance request, not less than ten days before any hearing is held. In addition, notice of the hearing shall be published in a newspaper of general circulation, not less than ten days before any hearing is held.
3. No notices of any application for a variance shall be given, and no hearings shall be held by the City Commission, until a filing fee accompanying the application is paid. The filing fee shall be prescribed by the City Commission from time to time.

F. Penalties

A person who violates any provision of this Ordinance is guilty of a Class C misdemeanor and upon conviction is punishable by a fine not to exceed Five Hundred and No/100 Dollars (\$500.00) and each day that such violation continues shall be a separate offense.

- G.** All ordinances in force when this Ordinance becomes effective which are inconsistent with, or in conflict with this Ordinance are hereby expressly repealed insofar as said ordinances are inconsistent with or are in conflict with this Ordinance.

H. Enabling Act

This ordinance shall be published and become effective in accordance with state law.

PASSED AND APPROVED this 21st day of May, 2007.

APPROVED:


Hilmar G. Moore
HILMAR G. MOORE, Mayor

ATTEST:



MONA MATAK, City Secretary

APPROVED AS TO FORM:



CHARLES R. SLONE, City Attorney

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